

U.S. Department of
Homeland Security
United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Office Puget Sound

1519 Alaskan Way South, Bldg 1
Seattle, WA 98134-1192
Staff Symbol: mer
Phone: (206) 217-6232
Fax: (206) 217-6345

16465

CAPTAIN OF THE PORT LETTER OF WARNING

ASHGROVE CEMENT CO.

Responsible Party name and address

(206) 623-5596

3801 E. MARGINAL WAY S.

SEATTLE, WA 98134

20 NOV 03

date

On or about 19 NOV 03, you were involved in the following pollution incident: THERE WAS A DISCHARGE OF OIL (DIESEL) IN THE DUWAMISH RIVER, A NAVIGABLE WATERWAY OF THE U.S. THE SPILL WAS DETERMINED TO BE CAUSED BY A LEAKY FUEL FILTER FROM THE LOADER. THE LOADER IS OWNED BY ASHGROVE CEMENT CO.

This act is a violation of Section 311 of the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990. Under federal law, you are liable for a civil penalty of up to \$11,000 for each violation. Additionally, you may be liable for, among other things, removal costs and damages from this incident.

Since you have had no recent similar incidents, and in light of the magnitude of the spill and your cooperation with our investigation and response, we have elected to offer you this Letter of Warning in lieu of a monetary penalty. We do not intend to pursue this matter further. However, we may reconsider this determination if further evidence indicates that this incident was the result of negligence or willful intent. We strongly urge you to continue your cooperative efforts to prevent repetition of such incidents.

If you feel this warning is not warranted, you may refuse to accept it. If, after initially accepting this warning, you wish to withdraw your acceptance, you may do so. If you elect to withdraw your acceptance, you must do so in writing to this office within 30 days of your acceptance. If we do not hear from you within this time frame, we will assume that you do not wish to contest this warning, and the matter will be closed.

If you refuse to accept this warning, or subsequently withdraw your acceptance, a violation report will be initiated against you. Such action, after you have been afforded the opportunity to present further evidence, may lead to the dismissal of all charges, issuance of Letter of Warning, or a monetary civil penalty. The Coast Guard will maintain a record of this Letter of Warning, and may consider this incident in the event of future violations. If you have any questions on this matter, please contact MSI² BMTLE IT at the above address or telephone number.

Sincerely,

MSI² Charles M. Butler

Pollution Investigator

By Direction of the Captain of the Port, Puget Sound

I voluntarily accept this warning.

Accepted by: GAP

Date: 12/3/03

Witnessed by: CEB

Date: 12/8/03

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Please visit us on the internet at www.uscg.mil/d13/units/msopuget/msops.html

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